

STATEMENT OF PURPOSE

RS29614 / S1340

Relating to theft, Title 18, Chapter 24, adds language to the definition of “owner” to address concerns raised by the Idaho Supreme Court in the State v. Dix, 166 Idaho 851 (2020). In that case, the Idaho Supreme Court held that a person who takes possession of goods based upon fraudulent intent and using false promises of payment becomes the “owner” of those goods immediately upon receipt, despite the use of fraud, thereby making the act not qualify as a theft. The Court’s decision was based on the current definition of “owner” in I.C. § 18-2402(6) and parts of the Uniform Commercial Code. This bill changes the definition of “owner” to further clarify that the taking of goods by use of false promises or fraud does not convey superior ownership or possessory rights to the individual receiving the goods.

FISCAL NOTE

This legislation will have no impact on the General Fund or local units of government.

Contact:

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).